

On February 5, 1935, the Brandes Creamery, Portland, Oreg., the consignee, having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23841. Adulteration of cream. U. S. v. One 10-Gallon Can and Ten 5-Gallon Cans of Cream. Consent decree of destruction. (F. & D. no. 35320. Sample no. 12802-B.)**

On or about March 7, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans (60 gallons) of cream at Smith River, Calif., alleging that the article had been shipped in interstate commerce on or about February 25, 1935, in various shipments by E. G. Garrett, Central Point, Oreg.; H. B. Ellis, Beagle, Oreg.; O. Fuhrman, Gold Hill, Oreg.; Mrs. R. Wilttrout, Grants Pass, Oreg.; W. Puhl, Gold Hill, Oreg.; T. M. Crawford, Central Point, Oreg.; Ed Baer, Central Point, Oreg.; Harold Young, McKinley, Oreg.; L. Vanderwerter, Langlois, Oreg.; Mrs. S. Foster, McKinley, Oreg.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was filthy, moldy, putrid, rancid, and decomposed.

On or about March 7, 1935, the Del Norte Milk Products Co., Smith River, Calif., the consignee, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23842. Adulteration and misbranding of peach, apricot, blackberry, strawberry, raspberry, and damson plum preserves; and raspberry and strawberry jams. U. S. v. Max Goldmeyer and Harry Arnold (Greenwich Preserving Co.) and Goldmeyer & Arnold, Inc. Pleas of guilty. Goldmeyer & Arnold, Inc., fined \$200 on first count; fines on remaining counts remitted. Max Goldmeyer and Harry Arnold fined \$34 each, fines remitted. (F. & D. no. 28189. I. S. nos. 16270, 16271, 16272, 20467, 20469, 29028, 29935, 29936, 29937, 29940, 29941, 30036, 30040, 30341, 54302. Sample nos. 9532-A, 20381-A.)**

This case was based on interstate shipments of fruit preserves and jams that contained less fruit and more sugar than preserves and jams should contain and that contained added acid and, with the exception of the damson plum preserves, also contained added pectin.

On February 13, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max Goldmeyer and Harry Arnold, a partnership trading as the Greenwich Preserving Co., Goldmeyer & Arnold, Inc., a corporation; and Max Goldmeyer and Harry Arnold, officers of said corporation, of New York, N. Y.; alleging shipment by said defendants in violation of the Food and Drugs Act, between the dates of February 14, 1931 and August 30, 1932, from the State of New York into the States of Pennsylvania, New Jersey, Massachusetts, and the District of Columbia of various lots of preserves and jams which were adulterated and misbranded. The articles were labeled variously, "Greenwich Inn Pure Peach [or "Blackberry", "Strawberry", "Raspberry", or "Damson Plum"] Preserves. Greenwich Preserving Co., New York;" "American House Pure Apricot [or "Blackberry" or "Strawberry"] Preserves. \* \* \* American Grocery Company Distributors, Hoboken, N. J.;" "Lucille Brand Preserves Pure Raspberry [or "Strawberry"] Grand Mount Preserving Company New York;" "Salute Brand Preserves Pure Blackberry Greenwich Preserving Co. New York;" "Raspberry Jam"; "Strawberry Jam."

The articles were alleged to be adulterated in that added undeclared acid and excessive sugar and, with the exception of the damson plum preserves, added undeclared pectin had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality; and for the further reason that acidulated mixtures of fruit and sugar containing less fruit and more sugar than preserves and jam contain and—with the exception of the damson plum preserves—containing added undeclared pectin, had been substituted for peach, apricot, blackberry, strawberry, raspberry, and damson plum preserves and raspberry and strawberry jams, which the articles purported to be. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.